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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 ESTATE OF VERL A. BRANTNER,

8 Plaintiff,

9 v.

10 OCWEN LOAN SERVICING LLC,

11 Defendant.

C17-582 TSZ

JURY QUESTION

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13 See next page.
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2 Is Instruction 13A asking us to:

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4 (A) Determine whether the specific
5 act(s) or practice(s) taken by Owen in
6 ~~act(s) taken~~ this particular case,
7 as they affect the Estate of Brantner in
8 particular, has the capacity to deceive
9 a substantial portion of the public
10 who may or may not actually be ~~not~~
11 involved with either the Estate of
12 Brantner or Owen.

13 OR, ALTERNATIVELY:

14 (B) Determine whether the act(s) or
15 practice(s) taken by Owen could be
16 interpreted by ~~the~~ a substantial portion
17 of the public as being deceptive (i.e.
18 that they would be deceived if the
19 act(s) or practice(s) were applied to
20 them rather than the Estate of Brantner).

21 Presiding Juror/Chairperson
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3 In order to show that "the act or
4 practice had the capacity to
5 deceive" in Instruction BA, is
6 it sufficient ~~to show~~ that each
7 juror affirm an unfair or deceptive
8 act or practice, which may be
9 a different act or practice from juror
10 to juror, or is it instead
11 necessary that the jurors reach
12 consensus with respect to the particular
13 act(s) or practice(s)?
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22 Presiding Juror / Chairperson
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RE: Instruction 13A:

Given that the specific act(s) or practice(s) discussed in this case specifically affect the Estate of Brantner in particular, ~~at least~~, not necessarily to the exclusion of any other parties,

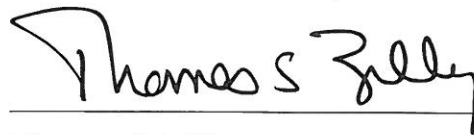
how are we to interpret the instructions that refer to a "substantial portion of the public"?

Presiding Juror/Chairperson

1 Answer:
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4 In deciding whether an unfair or deceptive act or practice as defined in
5 Instruction No. 13A has been proven, you should ask yourself whether a
6 substantial portion of the public might have been deceived if the act or practice at
7 issue was applied to those members of the public. You must all agree on which
8 act or practice, if any, had the requisite capacity to deceive a substantial portion of
9 the public.

10 Dated this 1st day of November, 2018.
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14 Thomas S. Zilly
15 United States District Judge
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